

# Wiley, Rein & Fielding

1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 719-7000

**Peter D. Ross**  
(202) 719-4232  
pross@wrf.com

Fax: (202) 719-7049  
www.wrf.com

August 1, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.—The Portals  
TW-B204  
Washington, D.C. 20554

Re: America Online, Inc. and Time Warner Inc.  
Notice of *Ex Parte* Presentation  
Applications of America Online, Inc. and Time Warner Inc.  
for Transfers of Control, CS Docket No. 00-30

Dear Ms. Salas:

On behalf of America Online, Inc. (“AOL”) and Time Warner Inc. (“Time Warner”), submitted herewith pursuant to Section 1.1206(b)(2) of the Commission’s rules are an original and one copy of this notice regarding a permitted oral *ex parte* presentation in the above-referenced proceeding. On July 31, 2000, representatives of AOL and Time Warner met with members of the Commission’s staff, at their request, as a follow-up to the July 13, 2000 *ex parte* demonstration of the AOLTV service.

Attending the meeting on behalf of AOL were George Vradenburg, III, Senior Vice President, Global and Strategic Policy; Steven N. Teplitz, Senior Director of Telecommunications Policy; Carlos Silva, Vice President, Product Studio—AOL Devices; and the undersigned. Representing Time Warner was Arthur H. Harding of Fleischman and Walsh, L.L.P.

Ms. Magalie Roman Salas  
August 1, 2000  
Page 2

The following FCC personnel attended: Deborah Lathen, Chief, Cable Services Bureau (“CSB”); Royce Dickens, Deputy Chief, Policy and Rules Division, CSB; Darryl Cooper, Ben Golant, Carl Kandutsch, Anne Levine, and Nancy Stevenson, CSB staff; David J. Farber, FCC Chief Technologist, Office of Engineering and Technology; Robert Pepper, Chief, Office of Plans and Policy (“OPP”); Gerald R. Faulhaber, FCC Chief Economist, OPP; Michael Kende, OPP; Henry L. Thaggert, Policy and Program Planning Division, Common Carrier Bureau; and Pieter van Leeuwen, Office of General Counsel.

The purpose of the meeting was to provide FCC staff with an opportunity to ask follow-up questions in light of the July 13<sup>th</sup> AOLTV presentation and AOL and Time Warner’s AOLTV-specific responses to the Document and Information Request of June 23, 2000. Specifically, the discussion focused on the following: how AOLTV’s incorporation of open standards and support for the Advanced Television Enhancement Forum (“ATVEF”) Enhanced Content Specification allows video programmers to reach AOLTV subscribers with their interactive content even if they choose not to partner with AOL; AOL’s—and, post-merger, AOL Time Warner’s—plans to offer AOLTV over all possible television platforms; the fact that the currently available AOLTV “cable companion” set-top box relies upon a narrowband connection (*i.e.*, a dial-up modem) for interactivity; and plans to offer AOLTV to DirecTV subscribers via a combination DirecTV/AOLTV set-top box.

In addition, the parties will provide additional clarification as to their narrative responses to the June 23<sup>rd</sup> information request regarding: pre-existing interactive content arrangements and whether these agreements would have any impact on new agreements with programming partners; future advertising policies and practices with respect to the AOLTV service; and interfaces that would be available to third parties as necessary to create wrap-around interactive content for the AOLTV service.

Finally, the following topics, not related to AOLTV, were discussed: the parties’ economic incentives to support consumer choice of ISPs provided over cable and AOL’s long-standing advocacy of this model; Gerald Levin’s statement of commitment to implementing such choice on Time Warner cable systems; and Time Warner’s demonstrated follow-through on that commitment as documented by the announcement of the first binding third-party ISP cable carriage agreement with Juno.

Ms. Magalie Roman Salas  
August 1, 2000  
Page 3

Kindly direct any questions regarding this matter to the undersigned.

Respectfully submitted,

/s/ Peter D. Ross

Peter D. Ross

cc: Deborah Lathen, Chief, Cable Services Bureau  
Royce Dickens, Deputy Chief, Policy and Rules Division, Cable Services Bureau  
Darryl Cooper, Cable Services Bureau  
Ben Golant, Cable Services Bureau  
Carl Kandutsch, Cable Services Bureau  
Anne Levine, Cable Services Bureau  
Nancy Stevenson, Cable Services Bureau  
David J. Farber, FCC Chief Technologist, Office of Engineering and Technology  
Robert Pepper, Chief, Office of Plans and Policy  
Gerald R. Faulhaber, FCC Chief Economist, Office of Plans and Policy  
Michael Kende, Office of Plans and Policy  
Henry L. Thaggert, Policy and Program Planning Division, Common Carrier Bureau  
Pieter van Leeuwen, Office of General Counsel  
James Bird, FCC Assistant General Counsel  
Linda Senecal, Cable Services Bureau  
International Transcription Services, Inc.